

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

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CIVIL MINUTES - GENERAL

Case No. ED CV 12-1762-CAS-(Ex) Date February 5, 2013

Title KENRICK OLIVE v. DAVID MARIN GONZALEZ, et al.

Present: The Honorable CHRISTINA A. SNYDER

Catherine Jeang Not Present N/A

Deputy Clerk Court Reporter / Recorder Tape No.

Attorneys Present for Plaintiffs: Attorneys Present for Defendants

Not present Not present

Proceedings: **(In Chambers:) ORDER TO SHOW CAUSE WHY THIS
CASE SHOULD NOT BE DISMISSED****I. INTRODUCTION**

On October 12, 2012, plaintiff Kenrick Olive filed a quiet title action in this Court against defendants David Marin Gonzalez and Sheryl Baez. Dkt. No. 1. Plaintiff alleges that defendants failed to pay an \$850 debt owed to plaintiff for cleaning defendants' front yard, and therefore plaintiff filed a lis pendens against defendants' property to secure the debt. Plaintiff also asserts an adverse possession claim to the property in question based upon his taking up residence there. *Id.*

On January 9, 2013, Federal Home Loan Mortgage Corporation ("Freddie Mac") filed a motion to expunge the lis pendens that plaintiff had recorded in the official records of San Bernardino County. Dkt. No. 5. Neither plaintiff nor defendants have filed a response to Freddie Mac's motion.

II. ANALYSIS

Plaintiff's complaint fails to state the grounds for this Court's jurisdiction, as required by Federal Rules of Civil Procedure Rule 8(a)(1), which alone requires dismissal of plaintiff's complaint. In addition, it appears that the Court lacks subject matter jurisdiction over this action on the basis of a federal question or diversity of citizenship. 28 U.S.C. §§ 1331 and 1332. First, plaintiff's claim does not appear to present a federal question under 28 U.S.C. § 1331, because a claim for quiet title arises solely under state law. Second, neither plaintiff's citizenship nor the amount in controversy are apparent

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from the face of plaintiff's complaint. Plaintiff's only allegation is that he is owed \$850, which is insufficient to satisfy the amount in controversy requirement.

III. CONCLUSION

For the foregoing reasons, plaintiff is hereby ORDERED to SHOW CAUSE on or before February 25, 2013, why the instant action should not be dismissed for lack of subject matter jurisdiction and the lis pendens expunged. The Court hereby continues the hearing on Freddie Mac's motion to expunge to March 4, 2013 at 10:00 A.M.

IT IS SO ORDERED.